

MANUAL OF RULES AND REGULATIONS

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DEFINITION OF TERMS USED IN POLICE DIVISION RULES AND REGULATIONS, MANUALS, PROCEDURES, AND ORDERS

UNITS:

- 1.01 **Beat:** a designated area to which an officer is assigned; to be patrolled on foot.
- 1.02 **Bureau:** a unit within a Subdivision
- 1.03 **Department of Public Safety:** made up of the following divisions: Police, Fire, Building Inspection, Weights and Measures, Communications, and Akron Corrections Facility.
- 1.04 **Detail:** members of the Police Division grouped together for the accomplishment of a specified mission in a continuing operation.
- 1.05 **District:** a designated area to which an officer(s) is assigned; to be patrolled by motor vehicle.
- 1.06 **Division:** one unit of the Department of Public Safety. Normally replaced in common usage by the word "department". Example: Police Department
- 1.07 **Headquarters:** Harold K. Stubbs Justice Center, 217 South High Street, Akron, Ohio 44308
- 1.08 **Section:** a unit within a bureau.
- 1.09 **Sector:** an area containing two or more beats, districts, or posts; supervised by a police sergeant.
- 1.10 **Shift:** the period within a day when an officer or other unit is on assigned duty.
- 1.11 **Special Detail:** one or more officers assigned to accomplish a specified mission; not a continuing operation.
- 1.12 **Subdivision:** a unit commanded by a Deputy Chief who is directly responsible to the Chief of Police; subdivisions are organized by purpose and/or task. There are three subdivisions in the Akron Police Division: Uniform, Investigative and Services.
- 1.13 **Unit:** members of the Police Division grouped together, under one commander, for the purpose of accomplishing one specified police purpose.

COMMAND:

- 2.01 **Chain of Command:** the unbroken line of authority from the Chief of Police downward through a single subordinate at each level of command to the level of execution.
- 2.02 **General Order:** permanent written orders issued by the Chief of Police. They are in effect until modified or cancelled by the Chief of Police.
- 2.03 **Line Supervisor:** the supervision by a ranking officer of a subordinate under his direct command.
- 2.04 **Official Channels:** through the hands of the ranking officers in the chain of command.
- 2.05 **Order:** an instruction or directive, either oral or written, given by an officer of higher rank to a subordinate.
- 2.06 **Shall/Will:** the words "shall" and "will" as used in orders, rules, regulations, procedures, manuals, and other official written documents, shall mean that the action required is mandatory.
- 2.07 **Special Order:** written orders issued by the Chief of Police relating to some specific circumstances or situation.
- 2.08 **Staff Supervision:** the supervision by a ranking officer of a subordinate not under his direct command.

PERSONNEL CLASSIFICATION:

- 3.01 **Acting:** serving temporarily in a position to which a member is not ordinarily assigned, usually in a position of higher rank. All the authority, responsibilities and duties of the position rest with the acting member.
- 3.02 **Captain:** officer in charge of a bureau, section, detail, or other such unit or shift as the Chief of Police may direct.
- 3.03 **Chief of Police:** the executive head of the Police Division.
- 3.04 **Commanding Officer:** a supervisor above the rank of Sergeant who command a subdivision, bureau, section, shift, unit or special detail of the Police Division.
- 3.05 **Deputy Chief of Police/Major:** serves as commander of a police subdivision and can assume the duties of the Chief of Police if assigned to do so during the absence of the Chief of Police.
- 3.06 **Detective:** an officer assigned to the Investigative Subdivision or similar investigative function in one of the other subdivisions. The designation of "Detective" is an assignment, not a promotion.
- 3.07 **Employees:** those persons in the Police Division who do not have the police power. The term is applied without regard to sex, rank, duty, or subdivision. For purposes of these rules and regulations, the absence of the word "employee" from any applicable rule or regulation shall not exempt the employee from the obligation of adhering to that rule.
- 3.08 **Grade:** officers are in "grade" according to their pay step or length of service.
- 3.09 **Lieutenant:** officer in charge of a bureau, section, detail, or other such unit or shift as the Chief of Police may direct.
- 3.10 **Officer:** those persons in the Police Division that have police powers. The term is applied without regard to sex, rank, duty, or subdivision.
- 3.11 **Police Officer:** regularly appointed officer below the rank of supervisory officer. Normally does not have supervisory responsibility over a group of other officers.
- 3.12 **Police Reserve Officer:** trained civilian volunteers with full police authority under the control of the Police Division who are available for emergency duty.
- 3.13 **Rank:** the order of position in the job classification of the Police Division. The titles of the ranks are:
 - Chief of Police
 - Deputy Chief of Police/Major
 - Captain
 - Lieutenant
 - Sergeant
 - Police Officer
- 3.14 **Ranking Officer:** the officer having the highest rank or grade. Officers of the same grade shall rank according to their appointment date. Those officers with the same appointment date shall rank according to their relative position on the original appointment list. When two or more officers are on-duty together, the officer of the highest rank is in command and shall be held responsible for the operation.
- 3.15 **Seniority:** established first by rank and secondly by time served in rank.
- 3.16 **Sergeant:** first level of supervision, has immediate charge of subordinates assigned to him, instructs and assists them in their duties and is responsible for their general appearance, good order, performance, and discipline.
- 3.17 **Subdivision Commander:** a Deputy Chief, or his/her designated replacement, assigned by the Chief of Police to command a subdivision.

- 3.18 **Supervisor or Supervising Officer:** officer above the rank of police officer who has supervisory responsibilities.
- 3.19 **Table of Organization:** a table showing the number and rank of officers, and other employees assigned to each unit.

PERSONNEL/ADMINISTRATION TERMINOLOGY:

- 4.01 **Annual Leave:** the vacation leave granted to all members/employees to the Police Division each year.
- 4.02 **Appointment:** the designation of a person by the appointing authority to any position within the Police Division. The Mayor is the appointing authority for all positions.
- 4.03 **Days Off:** those days, determined by the Chief of Police with the approval of the Mayor, on which an officer/employee is excused from duty.
- 4.04 **Disability Leave:** the period of time during which an officer/employee is excused from duty, with the approval of the Chief of Police, by reason of having incurred an on-duty injury.
- 4.05 **Off-Duty:** the state of an officer/employee during his/her day off or annual leave when he/she is free of the responsibility of performing his/her usual routine duties. Technically a police officer in on duty and subject to call at all times.
- 4.06 **On-Duty:** the state of an officer/employee during the period of the day (shift) when he/she is actively engaged in the performance of his/her duties.
- 4.07 **Promotion:** a change in the employment status of an officer/employee to a position in a higher classification.
- 4.08 **Sick Leave:** the period of time during which an officer/employee is excused from active duty by reason of illness, or injury sustained while off-duty; or the period of time during which an officer/employee is excused from active duty by reason of a death in his/her immediate family.
- 4.09 **Special Duty:** police service, the nature of which requires that an officer be excused from the performance of his/her regular duties.
- 4.10 **Tour of Duty:** the shift during which an individual officer/employee is on assigned duty.

OTHER TERMINOLOGY:

- 5.01 **Daily Bulletin:** the official daily publication of the Police Division which contains information regarding crime types and locations, wanted or missing persons, incidents or special locations calling for police attention, stolen vehicles and stolen or missing license plates, and special notices. All directives contained in the Daily Bulletin have the force and effect of Police Division Orders.
- 5.02 **He/She/Him/Her/His:** used without regard to gender.
- 5.03 **Immediately:** the term “immediately” is to be constructed to mean as soon as possible and practicable.
- 5.04 **May/Should:** the words “may” or “should” as herein used shall mean that action indicated is permissive.
- 5.05 **Notebook:** a book in which officers are required to record an account of their work and official action and required information provided at roll calls.
- 5.06 **Off the Air:** in service but not available for radio communication.
- 5.07 **On the Air:** in service with radio equipment in operation, and available for radio communication.

- 5.08 **Out of Service:** not available for service because of the breakdown of the vehicle or when withdrawn from active service for some special assignment; not available for radio communication.
- 5.09 **Patrol Car/Cruiser:** a passenger type vehicle used by uniformed officers to assist in the performance of their duties.
- 5.10 **Patrol Wagon:** a special conveyance used to transport arrested persons.
- 5.11 **Procedure:** the official method of dealing with any given situation.
- 5.12 **Procedural Manual:** a manual prepared under the direction of the Chief of Police to outline in detail the standard operating procedures of the Police Division.
- 5.13 **Report:** a written communication unless otherwise specified, relating to police matters.
- 5.14 **Rules and Regulations:** directions issued by the Chief of Police, with the approval of the Mayor, defining the police purpose, duties, and conduct of all members and employees of the Police Division.
- 5.15 **Solo/Motorcycle:** a two wheeled motorcycle.
- 5.16 **Three-Wheeler:** a three wheeled motorcycle; servi-car.
- 5.17 **Training Bulletin:** bulletins distributed by the Police Division designed to keep officers abreast of information, practices and procedures in law enforcement.
- 5.18 **Suspension:** the act of temporarily denying an officer/employee the privilege of performing his/her duties in consequence of dereliction of duties or other violations of Police Division regulations. Suspension is either the first step in the disciplinary process or the penalty assessed.

CHAPTER 100

- 100.01 All officers/employees of the Akron Police Division shall be issued a copy of these Rules and Regulations, and each shall be responsible for the maintenance of this manual and the making of changes as required.
- 100.02 Officers/employees who are issued departmental procedures, training bulletins, orders or other directives are responsible for their maintenance and updating of same as required. Notebooks are to be carried by all officers and important information obtained during roll calls or by radio transmission shall be maintained therein. Manuals and notebooks may be inspected periodically. A violation of this section is a minor offense of the third degree
- 100.03 Officers/employees of the Akron Police Division are expected to be familiar with statutes and ordinances of the United States of America, the State of Ohio, and the City of Akron to that extent necessary for the capable performance of their duties.
- 100.04 All officers/employees shall study the Police Division Daily Bulletin each day to familiarize themselves with all new orders, descriptions of missing and wanted persons, stolen motor vehicles or license plates, stolen or lost property, and other information contained therein.
- 100.05 Amendments, deletions and addition to these rules may be made at any time by the Chief of Police, with the approval of the Mayor, by posting any such amendment, deletion or addition on all police bulletin boards or by delivery of a copy of said rule change to each officer. Such rule shall clearly state that any amendment, addition or deletion is intended to become a permanent rule, and, if discipline may be imposed for violation of any such rule, the degree of the offense shall be stated in the posted rule.
- 100.06 Violations of this Chapter, which are not otherwise defined as being either major or minor offenses, shall be considered informal offenses as defined by Section 1300 of this Manual.

CHAPTER 200

- 200.01 Officers/employees shall be courteous and orderly in their dealings with the public, and shall perform their duties quietly, not using harsh, violent, profane, or insolent language, and remaining calm despite provocation to do otherwise. A violation of this section is a minor offense of the third degree
- 200.02 Officers/employees are required to give their names in a courteous manner upon request; officers are required to give their badge numbers or identification numbers upon request.
- 200.03 Officers/employees shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other units, officers, or organizations.
- 200.04 No person shall be allowed to ride in a Police Division vehicle except officers/ employees of the Police Division, individuals detained or being transported in the course of regular police duties, other people specifically approved by the shift commander concerned, or by the subdivision commander or the Chief of Police, or any person designated by a subdivision commander.
- 200.05 The use of physical force shall be restricted to circumstances specified by law, and then only when necessary to accomplish a police task successfully.
- 200.06 The officers/employee of the Police Division shall respond without delay to all calls for police assistance from citizens and other members.
- a) Emergency calls take precedence over all other calls; however, all calls shall be responded to promptly, consistent with normal safety precautions and motor vehicle laws.
 - b) Failure to answer a call for police assistance promptly, without justification, constitutes a violation and is a major offense of the third degree.
- 200.07 Officers/employees shall not institute any civil action arising out of their official duties without first notifying the Chief of Police in writing.
- 200.08 Officers/employees answering Police Division telephones shall respond by giving the unit in which they work, and their surname.
- a) Officers/employees of the Communications Bureau shall answer 9-1-1 calls promptly with the words, "Akron 9-1-1...what is your emergency?"
- 200.09 Devote Entire Time to Police Business: Each officer/employee of the Police Division shall devote his entire time and attention, and shall give his undivided loyalty to the services of the Police Division while on-duty. A violation of this section is a minor offense of the third degree.
- 200.10 Officers shall not loiter in cafes, restaurants, drive-ins, service stations or other public or private places except for the purpose of transacting police business, or to take regular meals or refreshments as provided for in Police Division orders. No more than two identified cruisers shall be in a coffee shop, restaurant or drive-in at one time, excluding supervisors, unless approved by the shift commander.

- a) Officers on-duty, or in uniform, shall not enter taverns, theaters, or other public or private places except to perform a police task; loitering and unnecessary conversations in such places is forbidden.
- b) Officers/employees shall not loiter in Police Division offices.
- c) Off-duty officers and employees shall not loiter in Police Division areas except while on official standby, and then such officer or employee shall stay in Police Division areas officially designated for such standby.

200.11 National Colors and Anthem: Uniformed officers shall render full military honors to the national colors and anthem at appropriate times.

- a) Officers/employees in civilian dress shall render proper civilian honors to the national colors and anthem at appropriate times.

200.12 Off-Duty Neighborhood Disputes: Officers shall not intentionally become involved in neighborhood quarrels or disputes while off-duty. Any such quarrel or dispute should be referred to an on-duty police officer. A violation of this section is a minor offense of the third degree.

200.13 Identification as a Police Officer: Except when impractical or unfeasible, or where the identity is obvious, officers shall identify themselves by displaying the official badge or identification card before taking police action.

200.14 Keys, Possession of: No officer, unless authorized by his commanding officer, shall possess keys to any premises on or near his beat, district or sector.

- a) Upon obtaining such key or keys, the officer shall report the possession of the key or keys to his subdivision commander in writing.
- b) A violation of Section 200.14 is a minor offense of the third degree.

200.15 Violations of this Chapter, which are not otherwise defined as being either major or minor offenses, shall be considered informal offenses as defined by Section 1300 of this manual.

CHAPTER 300

300.01 Officers shall not carry or use, either on or off-duty, any ammunition not issued or approved by the Police Division. A violation of this section is a major offense of the third degree.

300.02 The regulation firearm shall be a blue all-steel, or almaloy or stainless steel, Smith & Wesson or Colt revolver chambered for .38 caliber special ammunition with a 4" barrel; or Smith & Wesson semi-automatic 9mm pistol, Model #5906, or other Smith & Wesson 9mm semi-automatic models as issued or authorized by the Chief of Police.

- a) The regulation firearm shall be carried by all officers of the Police Division with the exceptions noted in Rule 300.13.
- b) Nothing in this rule shall prohibit Police Division weapons of other types from being assigned.
- c) A violation of Section 300.02 is a major offense of the first degree.

300.03 Officers shall maintain and use firearms only with due regard for the safety of the public and other officers. No officer shall:

- a) Discharge weapons except where it is reasonably believed that said officer or any other person is in danger of death or great bodily injury or to apprehend a fleeing felon reasonably known to be armed with a deadly weapon or reasonably known to have committed a felony involving great bodily injury. A violation of Section 300.03 is a major offense of the first degree.

300.04 The firing of warning shots is prohibited. A violation of this section is a major offense of the third degree.

300.05 The firing of an unintentional shot(s) by an officer shall be a minor offense of the third degree.

300.06 Officers shall, in addition to those situations set forth in Section 300.03 of these rules, be permitted to fire weapons:

- a) To kill a dangerous animal or one that is posing a threat to officers or persons nearby.
- b) For target practice on the Police Division range or other established shooting range.

300.07 Officers are required to report any deliberate or unintentional discharge of firearms as follows:

a) Oral Report

1. On-Duty Incident: Immediately, or as soon as is practical, the officer shall orally report the incident to his/her immediate supervisor, who shall conduct a thorough investigation of the incident.
2. Off-Duty Incident: Immediately, or as soon as is practical, the officer shall orally report the incident to the on-duty shift commander of the Uniform Subdivision who shall cause a thorough investigation of the incident to be conducted.

b) Written Report – On or Off Duty

1. A written report, describing in full the circumstances of the incident, shall be submitted by the police officer(s) involved, directed to his/her subdivision commander, prior to the end of the shift during which the firearm was discharged.
 2. A written report, describing in full the circumstances of the incident, shall be submitted by the investigating supervisor, directed to his/her subdivision commander, prior to the end of the shift during which the firearm was discharged.
- c) Failure to report the discharge of firearms as required by Section 300.07 is a major offense of the third degree.
- d) This rule does not apply to rounds fired as instructed during regular practice on a target range.

300.08 When death or injury has resulted from the use of a firearm by a police officer, that officer shall as soon as practical be relieved from field duty by his/her shift or unit commander pending a full investigation into the incident by the Police Division.

- a) During the period of time an investigation into the incident is being carried on, the Chief of Police shall assign the police officer to duty inside the station house.
- b) Such relief from duty shall not be considered a suspension or disciplinary action taken against the police officer, but rather an administrative course of action for the purpose of:
 1. Relieving the police officer from further performance of field duties while undergoing the emotional stress of having used deadly force; and,
 2. Permitting the Police Division time to conduct an objective investigation into the matter.
- c) The length of time a police officer shall be relieved from field duty shall be determined by the Chief of Police.

300.09 There shall be established within the Police Division a board consisting of three (3) subdivision commanders, or in the event they are not available, their designated replacements, which shall have the responsibility of reviewing each incident in which a firearm is discharged deliberately or unintentionally by a member of the Police Division and report their findings and recommendations to the Chief of Police.

- a) The senior subdivision commander present shall be chairman of this board.
- b) This board shall be convened by the Chairman of the Board within ten (10) working days subsequent to any incident reported for a review of such incident.
- c) In any incident resulting in the death or injury of a person, the identity of the officer or officers involved shall not be made public until such time as the Chief of Police decides to make such identity public, In making his decision, his consideration shall include, but shall not be limited to:
 1. Completion of all aspects of the investigation; and
 2. The safety of the officer and his/her family.

d) Only the Chief of Police or his authorized representative shall make such identity public.

300.10 Officers shall never display firearms unnecessarily or draw their firearms in a public place except in the line of duty. A violation of this section is a major offense of the third degree.

300.11 Officers who unnecessarily use their firearm in any manner against a fellow officer(s) are subject to disciplinary action. A violation of this section is a major offense of the first degree.

300.12 Officers may carry firearms when off-duty but are not required to do so. In the event that a weapon is carried by an officer while not on-duty:

a) Proper police identification shall be carried by the officer.

300.13 In addition to weapons described in Rule 300.02, officers may carry optional firearms, as described in this rule:

1) A Smith & Wesson or Colt revolver chambered for .38 special ammunition but with a barrel at least 2" long, or a Smith & Wesson 9mm semi-automatic pistol may be carried.

a) While on assigned uniform duty in the station house.

b) While assigned to plainclothes duty.

c) While off-duty.

d) As a second weapon securely concealed on the person while on-duty;

1. The division neither encourages nor discourages the practice of carrying a second handgun while on-duty. If carried, it is understood that this is an emergency weapon to be used only if the primary gun becomes inoperable or for use if the officer becomes disarmed.

2) Other personal firearms of a different make, model or configuration may only be carried on or off-duty with the specific and individual written permission of the Chief of Police.

3) A violation of Section 300.13 is a major offense of the third degree.

300.14 Officers are required to register with the Police Division the serial number and descriptions of all firearms they carry either on or off-duty and be range qualified with said weapons. A violation of this section is a major offense of the third degree.

300.15 Violations of this Chapter, which are not otherwise defined as being either major or minor offenses, shall be considered informal offenses as defined by Section 1300 of this manual.

CHAPTER 400

400.01 Male officers/employees permitted to wear civilian clothing during a tour of duty shall wear either a business suit or sport coat and slacks.

400.02 Female officers/employees permitted to wear civilian clothing shall wear clothing that conforms to standards normally worn by office personnel in private business firms.

400.03 Subdivision commanders may prescribe other types of clothing to be worn when necessary to meet particular police objectives or seasonal orders.

400.04 Officers on-duty shall wear uniforms or other clothing in accordance with established departmental procedures.

Except when acting under orders from a supervisor, officers and communication technicians on duty shall maintain a neat, well-groomed appearance. Officers shall style their hair according to the following guidelines:

a) Male Officers

1. Hair shall be neat, clean, trimmed and present a groomed appearance. Hair may not overlap the ear. Hair at the back of the head and neck will not touch the shirt collar when the head is held in the position of attention except for the closely cut hair on the back of the neck. Hair in front will be groomed so that it does not fall below the band of properly worn headgear. The bulk or length of hair shall be groomed so that it does not bush out or curl up while wearing the standard police hat or helmet. Hairstyles such as pleated, braided, ponytail, Mohawk or other eccentric styles are prohibited. In no case will the bulk or length of the hair interfere with the proper wearing of any authorized headgear.
2. Wigs or hairpieces are permitted if they conform to the above standards for natural hair.
3. Sideburns will be neatly trimmed and not bushy. They will not extend below the tips of the earlobes and will end with a clean-shaven horizontal line.
4. A short and neatly trimmed mustache may be worn. It shall not extend over the top of the upper lip, not upward from, beyond, nor below the corners of the mouth.
5. The face will be clean-shaven except for the acceptable mustache or sideburns.

b) Female Officers:

1. Hair must be clean, neat and combed. Hair shall not be worn longer than the top of the shirt collar at the back of the neck when standing with the head in a normal posture. Hairstyles such as pleated, braided, ponytail, Mohawk or other eccentric styles are prohibited. The bulk or length of the hair shall not interfere with the normal wearing of all standard headgear.
2. Wigs or hairpieces are permitted if they conform to the above standards for natural hair.

- c) Members may be excused from the above regulations because of special assignment with the approval of their commanding officer, but shall be in compliance with the above regulations when wearing the official uniform.

400.05 Officers will wear the official Police Division uniform as prescribed by the Police Division Uniform Specifications while on-duty.

- a) Wearing of the uniform cap is optional except under the following conditions:
 - 1. When directing traffic
 - 2. When working crowd control (special events)
 - 3. With the dress uniform
 - 4. When performing outdoor uniformed foot patrol
- b) Subdivision commanders may prescribe other types of clothing to be worn as required by the nature of the duty to which a particular member may be assigned.
- c) A violation of Section 400.05 is a minor offense of the third degree

400.06 No officer/employee of the Police Division shall at any time while off-duty wear any part of the official police or Communications Technician uniform except at such time as the member is en route to or from work, or while on an off-duty police extra job.

400.07 Violations of this Chapter, which are not otherwise defined as being either major or minor offenses, shall be considered informal offenses as described by Section 1300 of this manual.

CHAPTER 500

500.01 Any officer/employee receiving a written communication for transmission to a higher command shall in every case forward such communication.

500.02 An officer/employee receiving a communication from a subordinate directed to a higher command shall endorse it indicating approval, disapproval or acknowledgement.

500.03 No officer/employee of the Police Division shall forward correspondence of a division nature over a signature other than that of the Chief of Police or a subdivision commander except when such officer/employee has been specifically authorized to do so by the Chief of Police or his/her subdivision commander.

500.04 Officers/employees shall not use Police Division letterheads for private correspondence, nor shall any member or employee sue the address of the Police Division for private purposes.

500.05 Officers/employees are required to answer questions by, or render material and relevant statements to, a supervisor in a Police Division personnel investigation when so directed. A violation of this section is a major offense of the third degree.

500.06 Officers/employees shall submit all reports required by the performance of their duties:

- a) Prior to completing their tour of duty, or
- b) Prior to completing secondary police jobs, or
- c) As directed by supervisory officers
- d) Investigative report shall be submitted as soon as practical consistent with efficient police operations.

A violation of Section 500.06 is a minor offense of the third degree.

500.07 Upon receipt of an order conflicting with any previous order or instruction, the officer/employee affected will advise the person issuing the new order of the conflict.

- a) Responsibility for countermanding the original order or instruction rests with the person issuing the new order.
- b) Responsibility for notifying the person who issued the previous order or instruction rests with the person issuing the new order.
- c) When so directed by a supervisor, the officer/employee who receives a conflicting order or instruction shall carry out that order or instruction after informing the supervisory officer of the conflict. No officer/employee shall be found guilty of any improper conduct for following a conflicting order after he/she has notified the person issuing the order of the conflict.
- d) Conflicting orders shall only be issued when circumstances make it reasonably necessary to carry out the required task.

500.08 Officers/employees shall treat supervisors, subordinates and fellow employees with respect; they shall be courteous and civil at all times in their relationships with one another. A violation of Section 500.08 is a minor offense of the first degree.

500.09 When on-duty and addressing a supervisor, particularly in the presence of other officers/employees, or the public, supervisors should be referred to by rank and surname.

500.10 An order from a supervisor to a subordinate shall be given in clear, understandable language, civil in tone, and issued in pursuance of Police Division business.

500.11 Any order posted on a Police Division bulletin board over the signature of the Chief of Police shall have the same effect as these Rules and Regulations.

500.12 No officer/employee shall:

- a) Ridicule or criticize and order given him/her by a supervisor.
- b) Ridicule or criticize a supervisor, whether in or out of his/her presence.
 - 1. A violation of Sections 500.12 (a) or (b) constitutes insubordination, a minor offense of the first degree.
- c) Deliberately refuse to obey a lawful order.
 - 1. A violation of Section 500.12 (c) constitutes insubordination, a major offense of the first degree.
- d) Fail to obey a lawful order.
 - 1. A violation of Section 500.12 (d) constitutes insubordination, a major offense of the first degree if serious physical harm as defined by ORC 2901.01 (e) or death occurs to any person; otherwise, this is a minor offense of the first degree.

500.13 No supervisor shall knowingly issue any order, which is in violation of any law, ordinance, or any Police Division Rule or Regulation.

- a) Obedience to an unlawful order is never a defense for an unlawful act.
 - 1. No officer/employee is required to obey any order which is contrary to Federal or State law, or to an ordinance of the City of Akron
 - 2. Responsibility for the refusal to obey any order, which is contrary to Federal or State law, or to an ordinance of the City of Akron, rests with the officer/employee and he/she shall be strictly required to justify his/her action.
 - 3. No officer/employee shall be held responsible for failure to obey an order when it has been determined that the order was contrary to Federal or State law, or to an ordinance of the City of Akron.
 - 4. A violation of Section 500.13 (a) is a major offense of the first degree if serious physical harm as defined by ORC 2901.01 (e) or death occurs to any person; otherwise, it is a major offense of the third degree.

b) An officer/employee who has been given an order, which he/she feels, is unjust, improper, or contrary to the Rules and Regulations of the Police Division must first obey the order to the best of his/her ability and then proceed to appeal the order through the chain of command.

1. A violation of this section constitutes insubordination and is subject to the provisions of Section 500.12 (c).

c) An officer/employee who receives an unlawful, unjust, or improper order shall, at his/her first opportunity, report said order in writing to his/her subdivision commander and the Chief of Police through official channels. Any such reports submitted to the concerned subdivision commander and Chief of Police shall contain all of the facts pertinent to the incident and a description of the actions taken by the officer/employee in complying, or not complying with the order.

1. A violation of Section 500.13 (c) is a major offense of the third degree.

500.14 A member temporarily filling the position of a supervisor in an acting capacity shall be vested with the authority and responsibility of the supervisory officer whose position he/she is filling.

500.15 Violations of this Chapter which are not otherwise defined as being either major or minor offenses shall be considered informal offenses as defined by Section 1300 of this manual

CHAPTER 600

600.01 Officers/employees of the Police Division are required to have a telephone at their place of residence, and shall submit their address and telephone number to their commanding officer.

- a) All changes of address or telephone number shall be reported to the officer's/ employee's commanding officer within twenty-four (24) hours after such change.
- b) This rule shall be complied with by all officers/employees of the Police Division whether such officer/employee is working or on leave.

600.02 Officers on-duty or officially on call shall be directly available by normal means of communication, or they shall keep their supervisor informed of their whereabouts and the means by which they can be reached when not immediately available.

- a) All officers will advise the Communications Bureau when they discontinue radio contact.
- b) This notification should indicate the officer's location and reason for going off the air, and the name of the authorizing supervisor.
- c) A violation of Section 600.02 is a minor offense of the third degree.

600.03 Officers/employees who operate a Police Division radio from a portable or mobile unit or in the Communications Bureau shall strictly observe the following:

- a) The radio will be used to conduct official police business only on all frequencies.
- b) Personnel will refrain from using bantering, sarcastic, derogatory, inflammatory remarks and unnecessary voice reflections or any off-color or profane speech when operating the police radio.
- c) Where practicable, lengthy messages shall be given by public service.
- d) Supervisors shall be held accountable for monitoring radio discipline.
- e) A violation of Section 600.03 is a minor offense of the third degree.

600.04 Violations of this Chapter, which are not otherwise defined as being either major or minor offenses, shall be considered informal offenses as defined by Section 1300 of this manual.

CHAPTER 700

700.01 Officers/employees are expected to conform their activities to the Rules and Regulations of the Akron Police Division. A member or employee may be suspended, reduced in grade or class, dismissed or reprimanded for just and reasonable cause and upon specific written charges that one or more of these rules and/ or civil service rules have been violated.

700.02 Officers/employees of the Akron Police Division shall obey all laws of the United States and of any State or local subdivision thereof. The following will be prima facie evidence of a violation of this section:

- a) Failure to report to their subdivision commander any time they are arrested or summonsed for any criminal offense. A violation of Section 700.02 (a) is a minor offense of the third degree.
- b) A conviction of any offense for which the possible punishment is more than one (1) year in a correctional facility in any jurisdiction. A violation of Section 700.02 (b) is a major offense of the first degree.
- c) A conviction of any offense involving moral turpitude, dishonesty, or fraud and for which incarceration of one (1) year or less is possible. A violation of Section 700.02 (c) is a major offense of the second degree.
- d) A conviction of any offense for which any incarceration is a possible penalty. A violation of Section 700.02 (d) is a minor offense of the third degree.

700.03 No officer/employee shall knowingly make a false statement:

- a) To any other officer or employee of the Akron Police Division in the course of a felony or misdemeanor investigation. A violation of Section 700.03 (a) is a major offense of the second degree.
- b) To any other officer or employee of the Akron Police Division in the course of any interdepartmental investigation. A violation of Section 700.03 (b) is a major offense of the third degree.
- c) To any other official or agency, whether or not under oath. A violation of Section 700.03 (c) is a minor offense of the first degree.
- d) No officer/employee of the Police Division shall make false official reports, or knowingly enter or cause to be entered in any Police Division book, record or report any inaccurate, false or improper police information or other material matter. A violation of Section 700.03 (d) is a major offense of the third degree.

700.04 Officers/employees shall, except where excused by circumstance of emergency, obey the normal chain of command established within the Division of Police. No officer/employee shall:

- a) Fail to report known violations of a felony statute of any jurisdiction whatever by any member or employee of the Akron Police Division. A violation of 700.04 (a) is a major offense of the first degree.
- b) Fail to report a known violation of a misdemeanor statute or ordinance (other than minor misdemeanors and/or fourth degree misdemeanors) of any jurisdiction whatever by any officer

/employee of the Akron Police Division. A violation of Section 700.04 (b) is a minor offense of the second degree.

- c) Appeal to any court in any jurisdiction for leniency in any case pending before that court except with the express permission of the prosecutor and the officer/employee's subdivision commander. A violation of Section 700.04 (c) is a minor offense of the second degree.
- d) Compromising Criminal Cases: Officers/employees shall not interfere with the proper administration of criminal justice.
 - 1. Officers/employees shall not attempt to interrupt legal process, or participate in any activity, which might interfere with the process of law.
 - 2. Officers/employees shall not attempt to have any traffic citation or notice to appear reduced, voided, or stricken from the calendar except in the interest of justice and with the approval of the member or employee's subdivision commander.
 - 3. Any officer/employee having knowledge of such action who fails to inform his supervising officer thereof shall be subject to Police Division charges.
 - 4. A violation of Section 700.04 (d) is a major offense of the third degree

700.05 Officers/employees shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Officers/employees shall perform their duties in a manner, which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Akron Police Division. Unsatisfactory performance shall include, but not be limited to the following:

- a) Inability to perform the duties of a police officer by reason of failure to be physically and mentally alert. A violation of Section 700.05 (a) is a minor offense of the second degree.
- b) Inability to perform the duties of a police officer by reason of lack of knowledge of the Rules and Regulations of the Police Division, and the ordinances of the City of Akron, the laws of the State of Ohio, and the United States of America. A violation of Section 700.05 (b) is a minor offense of the second degree.
- c) For violation of a procedure of the Division of Police. A violation of Section 700.05 (c) is a minor offense of the first degree.
- d) For cowardice of such character as to render the officer incapable of the discharge of his/her duties. A violation 700.05 (d) is a major offense of the first degree.
- e) For failure to take appropriate action at the scene of a crime, disorder, or other conditions deserving prompt and efficient police attention. A violation of Section 700.05 (e) is a minor offense of the second degree.

700.06 Officers/employees of the Police Division shall not knowingly disclose to any person, without privilege to do so, any information, which is known to be kept in confidence. No officer/employee shall:

- a) Make known any proposed action, raid, or movement planned by any member or members of the Police Division. A violation of Section 700.06 (a) is a major offense of the first degree.

- b) Make known any evidence or information concerning any investigation to any other person. A violation of Section 700.06 (b) is a major offense of the second degree.
- c) Communicate information relating to police work, or any criminal record without the permission of a subdivision commander. A violation of Section 700.06 (c) is a minor offense of the first degree.
- d) No officer/employee shall divulge the private telephone number of any other officer/employee of the Police Division except for official police purposes or to another officer/employee.

700.07 Officers/employees shall at all times seek to contribute to the fair and impartial administration of justice. No officer shall:

- a) Exercise unnecessary or unwarranted violence to another.
 - 1. A violation of Section 700.07 (a), which results in serious physical harm or causes the death of any person, is a major offense of the first degree.
 - 2. All other violations of Section 700.07 (a) are major offenses of the second degree.
- b) Offer to any person or accept from any person anything of value in exchange for any type of preferable treatment. A violation of Section 700.07 (b) is a major offense of the first degree.
- c) Keep any fee or gift given in connection with their official duties without the express permission of their subdivision commander. A violation of Section 700.07 (c) is a minor offense of the third degree.
- d) Willfully conceal any information, which might lead to the solution of a crime or the arrest of a person wanted for a felony or misdemeanor. A violation of Section 700.07 (d) is a major offense of the second degree.
- e) Willfully conceal any information tending to shed light upon the innocence of any person accused of the commission of a crime. A violation of Section 700.07 (e) is a major offense of the second degree when the offense with which the accused has been charged is a misdemeanor. When the accused has been charged with a felony, a violation of this section is a major offense of the first degree.
- f) Free Admissions and Passes: Officers/employees shall not solicit free admission to theaters and other places of amusement for themselves or others except in the line of duty.
- g) Property, Personal Use: Officers/employees shall not convert to their own use, or have any claims in, any found property, recovered property, or property held as evidence. A violation of Section 700.07 (g) is a major offense of the third degree.
- h) Crime Information: Members and employees of the Police Division shall report to the proper authority all information they acquire concerning crime, any other condition requiring police service and any situation requiring the attention of another City of Akron department. A violation of Section 700.07 (h) is a minor offense of the third degree.

700.08 Officers/employees shall not participate in any activity, which impairs their ability to perform their duties or causes the department to be brought into disrepute. No officer/employee shall:

- a) Consume any intoxicating beverage while in uniform or on-duty except in the performance of that duty and while acting under proper and specific orders from a supervisor. A violation of Section 700.08 (a) is a major offense of the third degree.
- b) Appear for duty, or be on-duty, while under the influence of any intoxicating beverage to any degree whatsoever. A violation of Section 700.08 (b) is a major offense of the third degree.
 - 1. Appear for duty, or be on-duty, with the odor of any intoxicant on their breath. A violation of Section 700.08 (b) (1) is a minor offense of the third degree.
- c) While off-duty, consume intoxicating beverages to the extent that it results in behavior, which discredits them or the Police Division. A violation of Section 700.08 (c) is a minor offense of the third degree.
- d) Store in, or bring into any police facility or vehicle, alcoholic beverages, controlled substances, narcotics, or hallucinogens except for those alcoholic beverages, controlled substances, narcotics, or hallucinogens, which are being held as evidence. A violation of Section 700.08 (d) is a major offense of the second degree.
- e) Possess or use any controlled substance, narcotic, or hallucinogen except when prescribed in the treatment of an injury or illness by a physician or dentist licensed to practice his profession. A violation of Section 700.08 (e) is a major offense of the first degree.
- f) Sleep while on-duty. A violation of Section 700.08 (f) is a major offense of the third degree.
- g) Engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a supervisor. A violation of Section 700.08 (g) is a major offense of the third degree.
- h) Knowingly visit, enter, or frequent a house of prostitution or gambling house or any other establishment wherein the laws of the State of Ohio or the City of Akron are regularly violated except in the performance of duty or while acting under proper and specific orders from a supervisor. A violation of Section 700.08 (h) is a major offense of the third degree.
- i) Address public gatherings, appear on radio or television, prepare any article for publication, act as correspondent to any newspaper or periodical, while holding themselves out as representing the Akron Police Division in such matters without the prior approval of the Chief of Police or his subdivision commander. Officers may lecture on police or other related subjects only with the prior approval of the Chief of Police or their subdivision commander. A violation of Section 700.08 (i) is a minor offense of the third degree.
- j) Fail to operate official vehicles in a careful and prudent manner, and shall obey all laws and all departmental orders pertaining to such operation. Revocation or suspension of any driver's license shall be reported to their immediate supervisor, immediately. A violation of Section 700.08 (j) is a minor offense of the third degree.
- k) Conduct unbecoming an officer/employee: Officers/employees shall not perform any acts or make any statements oral or written, for publication or otherwise, which tend to bring the Police Division or its administrative officers into disrepute or ridicule; or which destructively criticize the Police Division or its administrative officers in the performance of their official duties; or which tend to disrupt or impair the officers/employees of the Police Division; or

which tend to interfere with or subvert the reasonable supervision of proper discipline of the officers/employees of the Police Division and any other conduct unbecoming an officer/employee of the department. A violation of Section 700.08 (k) is a major offense of the third degree.

700.09 Physical Fitness: All officers/employees of the Police Division shall maintain good physical condition so that they will be able to carry out the strenuous physical contacts often required of law enforcement officers.

- a) It shall be the responsibility of each commanding officer to observe and note any signs of physical unfitness in the police officers under his command.
 - 1. The following are all examples of possible signs that should be watch for: obesity, extreme weight loss, personality changes, excessive use of sick time, excessive use of alcoholic beverages, extreme reduction in work output, etc.
- b) The following steps shall be taken by the commanding officer who notes signs of physical unfitness in any member of his command:
 - 1. As soon as is practical, he shall discuss the situation privately with the police officer to determine the cause or causes of the problem.
 - 2. If it appears that the police officer has a problem that requires professional attention, the officer should be advised to seek such help immediately.
 - 3. If the problem does not appear to require professional attention, the police officer should be advised to take immediate steps to correct it.
 - 4. The commanding officer shall notify his subdivision commander in writing of his observations and actions in each case.
 - 5. The commanding officer shall follow-up each case to determine if the police officer is taking the required steps to correct his problem.
 - 6. In the event the police officer fails to comply with his suggestions, the commanding officer shall, after a reasonable length of time, serve the officer with a written warning to take immediate action, and he shall forward a copy of the written warning to his subdivision commander.
- c) A police officer who has been verbally warned by his commanding officer about his physical condition shall take the following steps:
 - 1. If he feels that his problem is one that requires professional help, he shall immediately seek such help and shall notify his commanding officer in writing of his actions.
 - 2. If it is determined that the officer's problem does not require professional treatment, then the officer shall take immediate steps to correct his condition.
- d) Once an officer has received a written warning about his physical condition from his commanding officer, failure to take corrective action within a reasonable length of time shall be considered unfit for duty and shall be the subject of charges.

- e) Officers who have signed the Health Maintenance Requirements Agreement as a condition of employment shall comply with the terms of that agreement.
- f) A violation of Section 700.09 (d) or (e) is a major offense of the third degree.

700.10 Political activity:

- a) Officers/employees shall be permitted to:
 - 1. Register to vote in any election.
 - 2. Express opinions as individuals privately on political issues and candidates.
 - 3. Attend political conventions, rallies, fund raising functions, and similar political gatherings while not in uniform or on-duty.
 - 4. Actively engage in any nonpartisan political function while not in uniform or on-duty.
 - 5. Sign political petitions as individuals.
 - 6. Make financial contributions to political organizations.
 - 7. Hold membership in a political party.
 - 8. Otherwise participate fully in public affairs, except as prohibited by law, or by Section 700.10 (b) of the Rules and Regulations of the Akron Police Division, to the extent that such endeavors do not impair the neutral and efficient performance of official duties.
- b) Officers/employees are prohibited from:
 - 1. Using their official capacity to influence, or interfere with, or affect the results of a partisan election.
 - 2. Assume active roles in the managing or organizing of partisan political clubs, the campaign of any individual candidate for office, or party.
 - 3. Serve as an officer of any partisan political party or club.
 - 4. Become a candidate for office, or campaign for any partisan elective candidate.
 - 5. Solicit votes in support of, or in opposition to, any candidate for partisan political office.
 - 6. Serve as a delegate to a political party convention.
 - 7. Endorse or oppose a candidate for public office in a political advertisement, broadcast, or campaign literature.
 - 8. Initiate or circulate a partisan nominating petition.
 - 9. Organize, sell tickets to, or actively participate in a fund raising function for a partisan political party or candidate.
 - 10. Address a political gathering in support of, or in opposition to, a partisan political candidate.

11. Otherwise actively engage in prohibited partisan political activity on the federal, state, county, or municipal level.

12. A violation of any subsection of Rule 700.10 is a minor offense of the first degree.

700.11 Violations of this Chapter, which are not otherwise defined as being either major or minor offenses, shall be considered informal offenses as defined by Section 1300 of this manual.

CHAPTER 800

800.01 Officers/employees shall not mark, alter or deface any surface of Police Division premises.

- a) Officers/employees shall not mark, alter, remove or deface any notice posted on any Police Division premises.
- b) Officers/employees shall not post or remove any material in or on any Police Division premises without the specific authorization of the Chief of Police or the subdivision commander involved.
- c) A violation of Section 800.01 is a minor offense of the first degree.

800.02 Officers/employees of the Police Division shall be responsible for the care of Police Division property in their possession or assigned for their use, and the proper reporting of loss, damage, or defect of said property.

- a) Property shall only be used for official purposes and in the capacity for which it has been designed.
- b) Property issued to an officer/employee shall only be transferred to another officer/employee with the explicit permission of the issuing officer.
- c) A violation of Section 800.02 is a minor offense of the third degree.

800.03 Officers/employees shall immediately report in writing to his/her immediate supervisor the loss of, or damage to, any Police Division property assigned to or used by them. Officers/employees shall notify their immediate supervisor of any defect or hazardous condition existing in any Police Division equipment or property.

Damaged or lost property or equipment may subject the responsible officer/employee to reimbursement charges and/or disciplinary action. A violation of Section 800.03 is a minor offense of the third degree.

800.04 Officers/employees shall obtain permission from their shift or bureau commander before having duplicates made of any Police Division key, or before lending or furnishing any Police Division key to any person not employed by the Police Division.

800.05 Officers/employees shall not use any Police Division vehicle not assigned to them or their subdivision without the permission of the shift commander of the subdivision to which the vehicle is assigned. A violation of Section 800.05 is a minor offense of the third degree.

800.06 Accidents involving police personnel or property must be reported in accordance with adopted procedure. A violation of Section 800.06 is a minor offense of the third degree.

800.07 Officers/employees are required to surrender all Police Division property in their possession upon separation from the Police Division. Failure to return all nonexpendable items shall cause the officer/ employee to reimburse the Police Division for the fair market value of the item or items.

800.08 Officers/employees shall not utilize any business or personal card other than an official card issued by the Police Division.

800.09 Officers/employees shall not carry, either on their person or in a Police Division vehicle, or use, equipment not furnished by or specifically authorized by the Police Division.

a) Nothing in this rule shall prohibit the use of privately owned vehicles or equipment, by officers of the Police Division to accomplish their task when they have been specifically authorized to use such privately owned vehicle or equipment by the Chief of Police of their subdivision commander.

b) A violation of Section 800.09 is a minor offense of the third degree.

800.10 No officer shall loan Police Division equipment to a civilian without the approval of the Chief of Police or subdivision commander.

800.11 Violations of this Chapter, which are not otherwise defined as being either major or minor offenses, shall be considered informal offenses as defined by Section 1300 of this manual.

CHAPTER 900

- 900.01 Attendance at a court, quasi-judicial hearing, or deposition, as required by subpoena or other official notice is an official duty assignment and shall be carried out. Where there is sufficient reason, permission to omit this duty must be obtained from the attorney serving the subpoena or other official notice, prior to the hearing.
- 900.02 When appearing in court, officers shall wear the official uniform of the Akron Police Division, or at their option, appropriate civilian clothing as defined by Sections 400.01 or 400.02.
- 900.03 Weapons shall not be displayed in court unless the regulation uniform is worn.
- 900.04 Officers shall present a neat and clean appearance in court and avoid any mannerism, which might imply disrespect of the court.
- 900.05 Officers/employees shall not volunteer to testify in civil or criminal actions that result from their official duties, and shall not testify in any civil action, nor give any deposition, unless served prior to such testimony with a subpoena or notice of deposition. A violation of Section 900.05 is a minor offense of the third degree.
- 900.06 An officer/employee shall immediately notify his/her subdivision commander and the Director of Law, or his/her designee, in writing, if he/she is served with a subpoena in a civil action that results from Police Division employment. No officer/employee shall enter into any financial agreement for appearing as a witness in a civil action, except as provided in Section 900.08.
- 900.07 Where any officer/employee is to testify for the defense in any criminal trial, hearing or deposition, he/ she shall immediately notify his/her subdivision commander in writing upon receipt of a subpoena. A violation of Section 900.07 is a minor offense of the third degree.
- 900.08 Officers/employees appearing in a court or quasi-judicial hearing may either receive Court Time for their appearance or accept the witness fee tendered to them, but may not accept both forms of compensation. An officer/employee who elects to receive Court Time shall forward to his/her subdivision commander any witness fee tendered to him/her. A violation of Section 900.08 is a minor offense of the second degree.
- 900.09 Violations of this Chapter, which are not otherwise defined as being either major or minor offenses, shall be considered informal offenses as defined by Section 1300 of this manual.

CHAPTER 1000

- 1000.01 The first officer to arrive at the scene of a crime or other police incident is responsible for the following actions as they may apply to the situation:
- a) Summoning medical assistance and administering first aid as required to prevent further injury or loss of life.
 - b) Arrest of violator or violators.
 - c) Security of the scene.
 - d) A violation of Section 1000.01 is a minor offense of the second degree.
- 1000.02 Officers specifically assigned to perform the preliminary, technical, continuing or follow-up investigation of an alleged crime or other incident are responsible for the following:
- a) Securing statements and other information.
 - b) Locating, collecting, and preserving physical evidence material to the alleged crime or incident.
 - c) Preparing and submitting written reports relative to the alleged crime or incident according to Police Division procedure.
 - d) A violation of Section 1000.02 is a minor offense of the second degree.
- 1000.03 Violations of this Chapter, which are not otherwise defined as being either major or minor offenses, shall be considered informal offenses as defined by Section 1300 of this manual.

CHAPTER 1100

- 1100.01 Officers of the Police Division are always subject to duty, although they are periodically relieved of its routine performance.
- 1100.02 All officers/employees shall perform their duties as required or directed by law, or other Police Division rule, regulation, procedure or order, or upon order from a supervisor.
- a) Officers assigned to a beat, district, sector, or any other assigned area, shall not leave the assigned area unless permission is received from a supervisor or is in conformity with some specific problem. A violation of Section 1100.02 is a minor offense of the second degree.
- 1100.03 The administrative delegation of the enforcement of certain laws and ordinances to particular units of the Police Division does not relieve other officers from the responsibility of taking prompt and effective police action within the scope of those laws and ordinances when the occasion so requires. Officers assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary.
- 1100.04 Officers/employees seeking early relief from duty because of illness or personal reasons shall contact their supervisor and request early relief. Officers/employees shall not leave their assignment until permission has been given to do so except in cases of emergency illness. A violation of Section 1100.04 is a minor offense of the third degree.
- 1100.05 Officers/employees off-duty shall, upon official orders, report for duty immediately upon receipt of notification, and shall comply with any instructions given at time of notification.
- 1100.06 Officers shall report immediately, with or without any official orders, in the event of any major disaster.
- a) If telephone service is available, officers shall report by telephone to their subdivisions and shall comply with any orders or instructions given at that time.
 - b) In the event that no form of communication exists, officers shall report to their subdivisions in person, properly uniformed and equipped for duty.
- 1100.07 Officers off-duty shall perform necessary police service whenever and wherever they are aware of a criminal offense within their jurisdiction, excluding minor traffic incidents.
- 1100.08 Officers/employees of the Police Division shall, unless otherwise directed, or properly excused, report for duty at the time and place designated, in the attire and with the equipment specified by Police Division regulations. A violation of this section constitutes absence without leave.
- a) Officers shall give careful attention to orders and instructions given at roll calls, and shall avoid unnecessary talking or movement during roll call.
 - b) Inability to report for duty due to illness or injury must be reported to the Information Desk officer at least one hour prior to the time that the officer/employee is due to report for duty.
 - c) In the event one hour's notice of the employee's inability to report cannot be given, the shift commander shall be notified by the employee or his/her representative.

- d) Once having reported off sick or disabled, the officer/employee shall keep the Police Division advised as to his/her status and expected date of return to duty. Should such officer/employee, including an officer/ employee on disability leave, need to leave his/her home at any time, the Information Desk officer shall be notified.
- e) Once having reported off sick or disabled, the officer/employee shall not work a police-type extra job or any other type of employment for twenty-four (24) hours from the starting time of his assigned shift.
- f) A violation of Section 1100.08 is a minor offense of the third degree.

1100.09 Officers may suspend their normal assigned police duties for a lunch period.

- a) Lunch periods are to be taken on the officer's assigned beat or duty area unless such officer has permission from his/her immediate supervisor to take his/her lunch period elsewhere.
- b) Officers on lunch period are subject to call and responsible for taking any necessary police action, which might come to their attention, and shall therefore monitor radio traffic while on said break.

1100.10 No officer/employee shall request time off when he/she has not accumulated time available. In an emergency, he/she may receive leave without pay with approval of the shift commander. A violation of Section 1100.10 is a minor offense of the third degree.

1100.11 The Chief of Police shall be given notice in writing by any officer or employee immediately upon filing an application for retirement, disability, or having any other intentions of terminating his service with the Akron Police Division. A violation of Section 1100.11 is a minor offense of the third degree.

1100.12 Violations of this Chapter, which are not otherwise defined as being either major or minor offenses, shall be considered informal offenses as defined by Section 1300 of this manual.

CHAPTER 1200

- 1200.01 While making arrests, officers shall strictly observe the laws of arrest and current procedures.
- 1200.02 Only that amount of restraint needed to insure the safe custody of the person arrested shall be used by any officer/employee in the arrest of a suspect.
- 1200.03 The arresting officer is responsible for the safety and protection of the arrested person while in his/her custody.
- 1200.04 The arresting officer shall notify the transportation officers of any injury, apparent illness, or other physical or mental condition, which may indicate that the arrested person may need special care.
- 1200.05 The arresting officer is responsible for the security of the personal property in the possession of the arrested person or under his/her control at the time of arrest. This responsibility transfers to the transportation officer when he/she accepts custody of the arrested person from the arresting officer.
- 1200.06 The arresting officer is responsible for the security of any vehicle in the possession of the arrested person and under his/her control at the time of the arrest. Nothing in this rule shall prevent an officer from allowing an arrested subject to park and secure his/her vehicle in any lawful parking place; or from allowing an arrested subject to authorize another to take possession of his/her vehicle.
- 1200.07 An officer/employee shall not act as bailor for any person in custody except that an officer/employee may act as a bailor for a person in custody who is a member of his/her immediate family.
- 1200.08 An officer/employee charged with the custody of a prisoner or prisoners shall observe all laws and Police Division orders regarding the custody of prisoners.
- a) All prisoners shall be kept securely and treated humanely.
 - b) An officer with a person or persons in his/her custody is responsible for the safety and well being of said persons. An officer with a person in his/her custody who must use physical force to restrain such person shall immediately call a supervisor to the scene, and notify his/her subdivision commander and the Chief of Police in writing as soon as practical, but in no case later than the end of his/her current tour of duty.
 - c) The supervisor responding to the scene shall immediately investigate the use of force involved and shall notify his/her subdivision commander and Chief of Police of the incident.
 - d) An officer with a prisoner in his/her custody shall immediately report in writing to his/her subdivision commander and the Chief of Police any incident in which any other officer/employee physically or verbally abuses the prisoner in his/her custody.
 - e) A supervisor who is notified by an officer that he/she has a prisoner in his/her custody that is physically ill, unconscious, injured or has been abused by another officer/employee shall immediately investigate the incident.

1. The officer shall see that a prisoner who is physically ill, unconscious or injured is immediately transported to the nearest emergency hospital for treatment.
2. The supervisor shall require a report in writing from the officer who had custody of the prisoner.
3. The supervisor shall submit the officer's report to his/her shift commander for approval and forwarding to his/her subdivision commander a report of his/her findings in the incident and the final disposition of the prisoner.

1200.09 Female prisoners or suspects shall only be touched by male police officers when it is necessary during the arrest procedure to subdue them, restrain them, conduct a frisk type search for concealed weapons, or administer first aid.

- a) Complete body searches of female prisoners charged with a felony shall only be conducted by female police officers or matrons, preferably but not necessarily, in the station house.
- b) Strip type searches or body cavity searches of females arrested or detained for the commission of a misdemeanor or traffic offense shall be conducted in accordance with the laws of the State of Ohio and current Division rules and procedures governing the subject.
- c) This rule shall not restrict a male police officer from making a necessary search of a female prisoner for evidence in a felony arrest when female police officers or matrons are not present, or in making an immediate field search of a female prisoner in a felony arrest when the evidence being searched for is of such a nature that it could be quickly and easily destroyed.
- d) When it is necessary for a male police officer to conduct a search of a female prisoner or suspect charged with a felony that goes beyond a mere frisk for weapons, he shall immediately report the search, the circumstances surrounding the search, and the results of the search to his immediate supervisor by the end of the shift or before going off-duty.
 1. A commanding officer who has received such a report shall sign the report and forward it to his subdivision commander with his appraisal of the incident.

1200.10 Male prisoners or suspects shall only be touched by female police officers when it is necessary during the arrest procedure to subdue them, restrain them, conduct a frisk type search for concealed weapons, or administer first aid.

- a) Complete body searches of male prisoners charged with a felony shall only be conducted by male police officers, preferably but not necessarily, in the station house.
- b) Strip type searches or body cavity searches of males arrested or detained for the commission of a misdemeanor or traffic offense shall be conducted in accordance with the laws of the State of Ohio and current Division rules and procedures governing the subject.
- c) This rule shall not restrict a female police officer from making a necessary search of a male prisoner for evidence in a felony arrest when male police officers are not present, or in making an immediate field search of a male prisoner in a felony arrest when the evidence being searched for is of such a nature that it could be quickly and easily destroyed.

- d) When it is necessary for a female officer to conduct a search of a male prisoner or suspect charged with a felony that goes beyond a mere frisk for weapons, she shall immediately report the search, the circumstances surrounding the search, and results of the search to her immediate supervisor by the end of the shift or before going off-duty.

- 1. A commanding officer who has received such a report shall sign the report and forward it to his/her subdivision commander with his appraisal of the incident.

1200.11 An officer/employee shall not engage in any business transaction with any person who is his/her prisoner or with any other person in the custody of any police officer, or any person confined.

1200.12 An officer transporting a prisoner shall do so in accordance with Police Division rules, regulations, procedures and orders.

- a) Prisoners who require medical attention shall be taken to the nearest appropriate emergency hospital. The transporting officer shall be responsible for the security of the prisoner until properly relieved except when he/she is directed otherwise by a supervisor.

- b) Any prisoner transported to a hospital in an ambulance shall be accompanied and guarded by a police officer unless circumstances are such that it is impossible or a supervisor directs otherwise.

1200.13 No officer/employee shall place a weapon or an object adaptable for use as a weapon, which could inflict serious bodily injury, or permit such weapons or objects to remain unattended in any location normally accessible to a prisoner or suspect. This rule does not apply to fixtures or furnishings, which are a part of the physical plant.

1200.14 Violations of this Chapter, which are not otherwise defined, as being either major or minor offenses shall be considered minor offenses of the third degree as, defined by Section 1300 of this manual.

CHAPTER 1300

- 1300.01 Pursuant to this Chapter, offenses are hereby designated as being either “minor” or “major.” Nothing in this Chapter nor in these Rules and Regulations shall prevent the Chief of Police, with the approval of the Mayor, from establishing, creating or promulgating any other rule or regulation following the procedure set forth in Section 100.05 of these Rules and Regulations. Those infractions for which a suspension of up to two (2) working days is a possible maximum punishment for a first offense shall form a third classification of offenses, which shall be called “informal” offenses, and said informal offenses shall be enforceable as defined in Section 1300.06 of these Rules and Regulations or as otherwise defined by the Chief of Police.
- 1300.02 All duties, obligations, rights and privileges relating to discipline which may be imposed upon, or accrue to the benefit of any officer/employee from the applicable laws, statutes and ordinances of the United States of America, the State of Ohio, or the City of Akron, or which may be bargained in any executed contract between any labor organization representing officers/employees and the City of Akron are made a part of this Chapter as if fully written herein.
- 1300.03 Nothing in this Chapter or in these Rules and Regulations shall deny to any officer/employee his right to waive the appellate procedure granted by the Charter of the City of Akron in a knowing, intelligent and voluntary manner. For all offenses defined as “minor” by this Chapter or for any “informal” offense, nothing in this Chapter shall deny to the Chief of Police, any of his designated supervisors or to the officer/employee the right to knowingly, intelligently and voluntarily agree to punishment of a different type or in a different degree than the minimum specified for the charged offense by Section 1300.06 of this Chapter. When the officer/employee agrees to punishment of a different type, he/she waives his/her right to further appeal and remains subject to penalties as provided for second and third offenses pursuant to 1300.06.
- 1300.04 Notwithstanding the provisions of Section 1300.03 of this Chapter, should the officer/employee and the Chief of Police or any of his designated supervisors be unable to knowingly, intelligently and voluntarily agree on a course of action arising out of a disciplinary action relating to an offense defined as “minor” or “informal,” then those penalties set forth in Section 1300.06 of this Chapter shall control.
- 1300.05 When circumstances dictate, an officer/employee may be temporarily relieved from duty by a supervisory officer for any violation of these rules and regulations, or for any other just and reasonable cause.
- a) An officer/employee relieved from duty by a supervisor shall be ordered to appear before the shift or bureau commander immediately upon being relieved from duty.
 - b) The shift or bureau commander shall investigate the circumstances that lead to the relief from duty of an officer/employee of this/her command, and, if he/she concurs in the action taken, he/she shall order the relieved officer/employee to appear before a subdivision commander no later than the end of the next scheduled working day of the subdivision commander.
 - c) An officer/employee temporarily relieved from duty pursuant to this rule shall be relieved from duty until such time as he/she has been ordered to return to duty by the subdivision commander.

- d) Any supervisory officer relieving another officer from duty shall, no later than the end of his/her current tour of duty, submit a full written report to his/her shift or bureau commander regarding the incident and reasons for relieve from duty.
- e) A shift or bureau commander, upon reviewing a report of temporary relief from duty shall, as soon as practical, but in no case later than the end of his current tour of duty, submit a full written report of his/her investigation of the incident to his/her subdivision commander.
- f) A subdivision commander shall, upon receiving a report that an officer/employee under his/her command has been relieved from duty, conduct a full inquiry into the circumstances surrounding the incident and report his/her findings in writing to the Chief of Police.
- g) The Chief of Police shall have the power to indefinitely suspend any officer/employee for violations of these rules and regulations, which are defined as major offenses.

1300.06 Where an investigation has determined that an offense defined as “major” has been committed by an officer/employee, or in any case where a knowing, intelligent and voluntary resolution of a “minor” or “informal” offense cannot be obtained, the following schedule of punishment shall apply:

Classification	First Offense Minimum-Maximum Suspension	Second Offense Minimum-Maximum Suspension	Third Offense Minimum-Maximum Suspension
Major 1 st Degree	30 days - dismissal	60 days – dismissal	90 days - dismissal
Major 2 nd Degree	10 days – dismissal	30 days – dismissal	60 days - dismissal
Major 3 rd Degree	5 days – dismissal	10 days – dismissal	30 days - dismissal
Minor 1 st Degree	3 days – 15 days	7 days – 60 days	30 days – 90 days
Minor 2 nd Degree	1 day – 10 days	3 days – 30 days	7 days – 60 days
Minor 3 rd Degree	Written Repr. – 5 days	1 day – 10 days	3 days – 30 days
Informal	Written Repr. – 2 days	1 day – 3 days	1 day – 5 days

1300.07 For purposes of these Rules and Regulations, the terms “second offense” and “third offense” are meant to mean discipline arising out of incidents resulting in charges of the same rule violation for which the officer/employee has been previously disciplined.

In the event that an officer/employee is charged with a major offense as defined by this Chapter, a prior violation of the section charged shall be used as the basis of charging the

officer/employee with either a “second offense” or “third offense” regardless of the time elapsed between the prior violation and the date of the alleged occurrence with which the officer or employee is now charged.

In the event that an officer/employee is charged with a minor offense as defined by this Chapter, no prior violation of the section charged shall be used as the basis for charging the officer/employee with either a “second offense” or “third offense” where the prior disciplinary action taken against the officer or employee was imposed more than two (2) years prior to the date of the alleged occurrence with which the officer or employee is now charged.

In the event that an officer/employee is charged with an informal offense as defined by this Chapter, no prior violation of the section charged shall be used as the basis for charging the officer/employee with a “second offense” or “third offense” where the prior disciplinary action taken against the officer/employee was imposed more than two (2) years prior to the date of the alleged occurrence with which the officer/employee is now charged.

- 1300.08 Nothing in this Chapter, nor in these Rules and Regulations, shall deny to the Chief of Police the right to recommend to the Mayor of the City of Akron that, in those cases where it is found upon investigation that the officer/employee is guilty of two or more offenses, that the penalty imposed, if any, be served concurrently or consecutively with one another.
- 1300.09 Violations of this Chapter, which are not otherwise defined as being either major or minor offenses, shall be considered informal offenses as defined by Section 1300 of this manual.

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